

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sergio Guerra	Team: Team # 4	CCRB Case #: 201402724	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 03/21/2014 1:00 PM	Location of Incident: Pacific Street and Eastern Parkway	Precinct: 73	18 Mo. SOL 9/21/2015	EO SOL 9/21/2015	
Date/Time CV Reported Fri, 03/21/2014 2:30 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 03/21/2014 2:30 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Marcelo Luc	01946	914588	073 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Nicholas Hatt	6335	940242	073 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Marcelo Luc	Abuse: Det. Marcelo Luc stopped § 87(2)(b) and an individual.	
B.DT3 Marcelo Luc	Abuse: Det. Marcelo Luc threatened to arrest § 87(2)(b)	
C.DT3 Marcelo Luc	Abuse: Det. Marcelo Luc damaged § 87(2)(b) s property.	

Case Summary

On March 21, 2014 at 01:00 p.m., § 87(2)(b) was standing on the corner of Pacific Street and Eastern Parkway in Brooklyn, waiting for his boss, § 87(2)(b) to arrive at home. § 87(2)(b) had been waiting for approximately 5 minutes when § 87(2)(b) he knew only as “§ 87(2)(b)” looked out of the window of his home, observed § 87(2)(b) and went downstairs to join him. As the two exchanged handshakes and conversed for approximately 15 minutes, an unmarked dark-colored Chevy Impala drove onto the block and parked about one car length away from both individuals. Two plainclothes officers, identified by the investigation as Detectives Marcelo Luc and Nicholas Hatt, exited the vehicle. Both officers proceeded to approach § 87(2)(b), rang the doorbell, and walked away when no one answered. Both officers then walked over to § 87(2)(b) and § 87(2)(b). Det. Luc stopped both § 87(2)(b) and § 87(2)(b) asked how they were doing, and if he could see some identification (**Allegation A**). § 87(2)(b) informed Det. Luc that his identification was at home. § 87(2)(b) handed Det. Luc his Dominican Consulate identification card. After holding the identification card in his hand, Det. Luc questioned its authenticity. § 87(2)(b) told the officer that he could call the number on the back of the card to confirm its authenticity. Det. Luc then directed § 87(2)(b) to rip it up or else he would call the “blue and whites” (**Allegation B**). § 87(2)(b) complied, and after a few attempts to bend it, was able to tear it and throw it into a garbage can (**Allegation C**). Det. Hatt did not interact with either § 87(2)(b) or § 87(2)(b) throughout the entirety of the incident. After § 87(2)(b) threw the identification card into the garbage, both officers walked back to the house they had originally approached and rang the doorbell. § 87(2)(b) left the scene and waited inside a corner store. After approximately one hour, a co-worker informed § 87(2)(b) that § 87(2)(b) Perry might be home. On the way to § 87(2)(b) house, § 87(2)(b) re-approached the scene, but everyone had left by that point. No arrests or summonses resulted from this incident. No video footage was obtained of the incident (encl. 3-9).

Mediation, Civil, and Criminal Histories

§ 87(2)(b) was presented the option for mediation and indicated that he may be interested in pursuing mediation if the officers were identified. When § 87(2)(b) was scheduled for a photo array in order to identify the officers, § 87(2)(b) failed to show up for his meeting and did not provide any notice. The officers were interviewed as subjects in the case and did not acknowledge any interaction between themselves and § 87(2)(b) § 87(2)(g) (encl. 6-7; 121-126). A Notice of Claim inquiry has been submitted to the Office of the New York City Comptroller and the results will be included in the case file upon receipt at the CCRB. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Civilian and Officer CCRB Histories

- This is the 1st complaint filed by § 87(2)(b) (encl. 2).
- Det. Luc has been a member of the NYPD for 20 years and has had 1 previous CCRB allegation from 1996 for “Abuse-Person searched,” which was unfounded (encl. 1).

Potential Issues

§ 87(2)(b) was unable to provide § 87(2)(b) full name or contact information and a LexisNexis search did not reveal any additional details regarding him. Therefore, § 87(2)(b) remains unidentified and no statement could be obtained from him.

Findings and Recommendations

Explanation of Subject Officer Identification

During his CCRB interview, § 87(2)(b) stated that two male police officers arrived on scene in a dark-colored Impala, rang the doorbell of a residence two houses away from his location, and approached § 87(2)(b) and § 87(2)(b) after no one answered the door. PO1, who was the only officer to interact with § 87(2)(b) and § 87(2)(b) was described as a white male, 30-35 years of age, 6'0"-6'01" in height, average body build, a bald head, goatee, and a Boston accent. PO2, who was present but did not interact with either individual, could only be described as a white male in plainclothes (encl. 3-9).

After requesting the Roll Call, Movement log, and Daily Vehicle Assignment sheet for the day of the incident from the 73rd Precinct, PSA2, PBBN, NARC, WARRSEC, and the Gang Squad, as well as the MOS photos of officers fitting the general description provided by § 87(2)(b) the investigation was able to determine that Det. Luc and Det. Hatt signed out vehicle # 593 to § 87(2)(b) at 12:55 p.m. (encl. 21-24). Although Det. Luc did not have any memo book entries related to the incident or the location, Det. Hatt's memo book noted that the officers drove to § 87(2)(b) (encl. 16-17). Det. Hatt also acknowledged that the officers drove to the scene in a dark Impala and that after ringing the doorbell at the location, no one answered the door (encl. 18-19). Additionally, although neither officer recalled interacting with § 87(2)(b) nor § 87(2)(b) Det. Luc matches some of the descriptors provided by § 87(2)(b) namely the bald head, average build, and approximate height (encl. 3-7; 13-15). Det. Luc's MOS photo also depicts him sporting a moustache (encl. 15). Det. Hatt on the other hand, has a full head of hair and no facial hair (encl. 20).

§ 87(2)(g)
§ 87(2)(g)

Allegation A: Abuse of Authority-Det. Marcelo Luc stopped § 87(2)(b) and § 87(2)(b)

Allegation B: Abuse of Authority-Det. Marcelo Luc threatened to arrest § 87(2)(b)

Allegation C: Abuse of Authority-Det. Marcelo Luc damaged § 87(2)(b)'s property

It is undisputed that at 12:55 p.m. on March 21st, 2014, Det. Luc and Det. Hatt travelled to § 87(2)(b) in Brooklyn and rang the doorbell. § 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(b) stated that as he and § 87(2)(b) stood talking on the corner of Pacific Street and Eastern Parkway in Brooklyn, Det. Luc and Det. Hatt arrived in a dark-colored Chevy Impala and rang the doorbell of a residence two houses down from their location. After no one answered, the officers walked over to § 87(2)(b) and § 87(2)(b). Det. Luc then stopped § 87(2)(b) and § 87(2)(b) by asking them how they were doing and requesting to see their identification. § 87(2)(b) indicated that he left his identification in his residence, but § 87(2)(b) handed Det. Luc his Dominican Consulate identification card. After holding the identification card, Det. Luc questioned its authenticity. § 87(2)(b) informed Det. Luc that he could call the number on the

back of the card to confirm its authenticity. Despite this, Det. Luc instructed § 87(2)(b) to rip up the identification card or else he would call the “blue and whites” and have him arrested. He complied without questioning the officer. § 87(2)(b) had to bend the identification card several times before it broke and subsequently threw it in the garbage. No arrests or summonses resulted from this incident (encl. 3-9).

§ 87(2)(b) whose full name and contact information was unable to be determined, could not be identified and reached for a statement. Therefore, no account of the incident exists from § 87(2)(b) perspective.

During his CCRB interview, Det. Luc stated that he accompanied Det. Hatt to § 87(2)(b) in Brooklyn in order to speak with § 87(2)(b) regarding a case assigned to Det. Hatt. Det. Luc did not recall any additional details regarding the incident including seeing or interacting with any males outside of the location or in the area. Det. Luc also stated that he did not recall interacting with anyone who had a Dominican Consulate or fraudulent identification card and denied that he or Det. Hatt informed anyone that they would call the “blue and whites” and have the person arrested if they did not rip up their identification card. When descriptions of § 87(2)(b) and § 87(2)(b) were provided, Det. Luc still could not recall interacting with them. Det. Luc had no memo book entries related to the incident (encl. 10-14).

During his CCRB interview, Det. Hatt stated that he believed the officers traveled to the location in a dark Impala in order to interview § 87(2)(b) who did not answer the door. However, he did not recall interacting with any males outside of the location or in the area. Det. Hatt also did not recall interacting with anyone with a Dominican Consulate identification card, telling anyone that their identification was fraudulent, or instructing anyone to rip up their identification card or risk arrest. When descriptions of § 87(2)(b) and § 87(2)(b) were provided, Det. Luc still could not recall interacting with them. Det. Hatt’s memo book notes that both he and Det. Luc travelled to the location, but makes no mention of any interactions (encl. 16-19).

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date